

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services amends Chapter 152, "Foster Group Care Contracting," Iowa Administrative Code.

This amendment implements a decrease in the reimbursement rates for foster group care provided from January 1, 2010, to June 30, 2010. During this period, the maximum reimbursement shall be the rate in effect on December 31, 2009, reduced by 5 percent. This reduction is necessary to achieve the savings required by Executive Order Number 19, which mandated a 10 percent across-the-board cut in expenditures.

This amendment does not provide for waivers in specified situations. Needed savings will not be realized if waivers are granted. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment on December 9, 2009.

The Department finds that notice and public participation are impracticable and contrary to the public interest. The Department is statutorily and constitutionally required to reduce spending obligations to the level of constitutionally authorized appropriations. Deeper cuts would be required if the Department were to delay taking action to allow for notice and public participation. Therefore, this amendment is filed pursuant to Iowa Code section 17A.4(3).

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2) and (3), that avoidance of deficit spending confers a public benefit and that the immediate efficacy of this amendment is necessary because of the presently existing constitutional peril to the public welfare caused by spending obligations which exceed available revenues. Therefore, the normal effective date of this amendment is waived.

This amendment is also published herein under Notice of Intended Action as **ARC 8450B** to allow for public comment.

This amendment is intended to implement Iowa Code section 234.6 and Executive Order Number 19.

This amendment became effective on January 1, 2010.

The following amendment is adopted.

Amend subparagraph **152.3(1)"h"(2)** as follows:

(2) Rates may be changed by mandated across-the-board decreases. Effective for the period from January 1, 2010, to June 30, 2010, the negotiated reimbursement rates for foster group care shall be decreased by 5 percent of rates in effect on December 31, 2009.

[Filed Emergency 12/11/09, effective 1/1/10]

[Published 1/13/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/13/10.